

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION
CIVIL ACTION NO.: 9:22-cv-01519-DCN

Nayvone Smith,)
)
Plaintiff,)
)
vs.) **NOTICE OF REMOVAL**
)
Sinc Electrical Services, LLC and Brandon)
Shane Mikeal,)
)
Defendants.)

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, BEAUFORT DIVISON; HAMPTON COUNTY COURT OF COMMON PLEAS; and ALL PARTIES AND ATTORNEYS OF RECORD

YOU WILL PLEASE TAKE NOTICE, that pursuant to 28 U.S.C. §1332 and §1446, defendant, Sinc Electrical Services, LLC, by and through its undersigned counsel, hereby requests the removal of jurisdiction of this action from the Court of Common Pleas for the Fourteenth Judicial Circuit, State of South Carolina, County of Hampton, where it is now pending, to the United States District Court for the District of South Carolina, Beaufort Division. Defendant Brandon Shane Mikeal consents to the removal. This Court has jurisdiction of this action based upon the existence of complete diversity of citizenship between the parties to the lawsuit, pursuant to 28 U.S.C. §1332. As grounds for this removal, the defendants will show as follows:

1. The plaintiff is a citizen of South Carolina and resident of the County of Colleton, State of South Carolina. Defendant Sinc Electrical Services, LLC is a corporation organized and existing under the laws of the State of Georgia, with its principal place of business in the County

of Carroll, State of Georgia. Defendant Brandon Shane Mikeal is a citizen of Georgia and resident of the County of Carroll, State of Georgia.

2. This action was commenced against the defendants in the Court of Common Pleas for the Fourteenth Judicial Circuit, State of South Carolina, County of Hampton on March 28, 2022, when the plaintiff's complaint was filed, said action being designated as Civil Action No. 2022-CP-25-00092. Attached hereto are copies of all process, pleadings, and orders purportedly served upon the defendants, to wit: the summons and complaint.

3. The initial pleadings setting forth the plaintiff's claim for relief were purportedly served on defendant Brandon Shane Mikeal on April 4, 2022, when service of the summons and complaint was accepted by the South Carolina Department of Motor Vehicles allegedly pursuant to S.C. Code Ann. §15-9-350 or §15-9-360 (1976, as amended). Plaintiff's counsel gave defendant Mikeal an extension. The initial pleadings setting forth the plaintiff's claim for relief were first received by defendant Sinc Electrical Services, LLC on April 21, 2022 by personal service of the summons and complaint on Barbara Tipton, Registered Agent for Sinc Electrical Services, LLC. The time under which this defendant is required to answer the complaint has not expired.

4. This court has jurisdiction over this action under the provisions of 28 U.S.C. §1332, which provides the United States District Court with jurisdiction in matters between citizens of different states when the amount in controversy exceeds the sum or value of \$75,000.00.

5. The claims of the plaintiff against the defendants arise from an accident at the intersection of SC Highway 63 and Old Salkehatchie Highway on October 13, 2020. In her complaint the plaintiff alleges that the operator of the defendants' vehicle was negligent in his

operation of the vehicle, causing a collision with a vehicle occupied by the plaintiff, and causing injury to the plaintiff.

6. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being filed with the Clerk of Court for the Court of Common Pleas for the Fourteenth Judicial Circuit, State of South Carolina, County of Hampton, and being served on plaintiff's counsel of record.

WHEREFORE, the defendants pray that this Court make any and all Orders necessary to affect the removal of this case from the Court of Common Pleas for the Fourteenth Judicial Circuit, State of South Carolina, County of Hampton.

Respectfully submitted,

s/ James P. Walsh
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May 12, 2022